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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 MELISSA KOPICK,
10 Plaintiff,
11 v.
12 MULTICARE HEALTH SYSTEMS
13 Defendant.

Case No.:

**NOTICE OF REMOVAL OF CIVIL
ACTION**

15 TO: MELISSA KOPICK, Plaintiff, and her attorney, RICHARD H.
16 WOOSTER of KRAM & WOOSTER, P.S.
17 AND TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant MultiCare Health System (“MultiCare”) hereby gives notice of its removal of this civil action, titled *Kopick v. MultiCare Health System*, PCSC Cause No. 21-2-04069-3, from the Pierce County Superior Court of the State of Washington to the United States District Court for the Western District of Washington (Tacoma Division), and in support thereof states as follows:

24 1. This case was commenced in the Pierce County Superior Court of the State of
25 Washington by service of Plaintiff Melissa Kopick's Complaint and Summons on MultiCare on
26 January 26, 2021.

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1 2. This is a civil action raising: (1) claims against MultiCare for alleged retaliation
2 and interference with Plaintiff's use of leave under the Family and Medical Leave Act, 29 U.S.C.
3 § 2601 *et seq.* ("FMLA") and the Washington Family Leave Act, RCW 49.78 *et seq.*
4 ("WFLA")¹; and (2) claims against MultiCare for alleged disability discrimination in violation of
5 the Americans with Disabilities Act, as Amended, 42 U.S.C. § 12101 *et seq.* ("ADA") and the
6 Washington Law Against Discrimination, RCW 49.60 *et seq.* ("WLAD").

7 **I. FEDERAL QUESTION JURISDICTION EXISTS**

8 3. Plaintiff has raised federal claims against MultiCare under the FMLA and ADA.
9 Complaint, ¶¶ 3.1.1, 3.1.2.

10 4. While the Complaint alleges additional state claims under the WFLA and WLAD,
11 this Court has supplemental jurisdiction over those claims under 28 U.S.C. § 1337, because those
12 claims arise out of the same operative facts as Plaintiff's federal claims and thus "form part of
13 the same case or controversy under Article III of the United States Constitution." 28 U.S.C.
14 § 1337(a); *see* Complaint.

15 5. Because at least some of Plaintiff's claims arise under the laws of the United
16 States and present a federal question, this civil action is one in which the district courts of the
17 United States have original jurisdiction pursuant to 28 U.S.C. § 1331, and this action is one
18 which may be removed to this Court by MultiCare pursuant to the provisions of 28 U.S.C.
19 § 1441(a).

20 **II. REMOVAL HAS BEEN TIMELY AND PROPERLY SOUGHT**

21 6. The Summons and Complaint were served on MultiCare on January 26, 2021.
22 Therefore, pursuant to 28 U.S.C. § 1446(b)(1), this notice is timely filed within thirty days of
23 service of the initial pleading setting forth Plaintiff's claims for relief.

24 7. In accordance with 28 U.S.C. § 1446(a) and LCR 101(b), copies of Plaintiff's

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¹ The WFLA was repealed effective December 31, 2019, but Plaintiff's Complaint nevertheless contains such a claim.

1 Complaint and Summons received by MultiCare are attached hereto.

2 8. Venue is proper in this District and division pursuant to 28 U.S.C. §§ 128(b) and
3 1441(a) because the Tacoma Division of the Western District of Washington encompasses Pierce
4 County, where Plaintiff filed the state court action being removed.

5 9. Pursuant to 28 U.S.C. § 1446(d), MultiCare will promptly serve a copy of this
6 Notice on counsel for Plaintiff and will file a copy of this Notice with the Clerk of the Pierce
7 County Superior Court of the State of Washington.

8 WHEREFORE, Defendant MultiCare requests that this case proceed as an action
9 properly removed hereto.

10 DATED: February 23, 2021. STOEL RIVES LLP

STOEL RIVES LLP

s/ Karin D. Jones

12 Karin D. Jones, WSBA #42406
13 600 University Street, Suite 3600
14 Seattle, WA 98101
15 Tel: (206) 386-7598
Fax: (206) 386-7500
Email: karin.jones@stoel.com

Attorney for Defendant

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1 **CERTIFICATE OF SERVICE**

2 I, Melissa Wood, declare under penalty of perjury under the laws of the State of
3 Washington that the following is true and correct. I am employed by the law firm of Stoel Rives
4 LLP. At all times hereinafter mentioned, I was and am a citizen of the United States of America,
5 a resident of the State of Washington, and over the age of 18 years, not a party to the above-entitled
6 action, and competent to be a witness herein.
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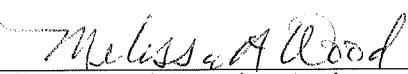
8 I hereby certify that on February 23, 2021, I served the foregoing document on the
9 following persons by the means described below:

10 Richard H. Wooster
11 Kram & Wooster, P.S.
12 1901 South "I" Street
13 Tacoma, WA 98405
14 Email: rich@kjwmlaw.com

- 15 hand delivery
16 facsimile transmission
17 overnight delivery
18 first class mail
19 e-mail delivery

20 Counsel for Plaintiff

21 DATED at Seattle, Washington this 23rd day of February, 2021.

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23 _____
24 Melissa Wood, Practice Assistant

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